

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

DAVID E. RHODES,	)	4:13CV3008
	)	
Plaintiff,	)	
	)	
v.	)	<b>MEMORANDUM</b>
	)	<b>AND ORDER</b>
CITY OF PHOENIX,	)	
	)	
Defendant.	)	

This matter is before me on the “Plaintiff’s Motion for Protective Order and to Quash Telephonic Deposition Notices of Defendant(s) City of Phoenix et al,” which seeks to prevent a telephonic deposition in a case filed by the plaintiff, David E. Rhodes (“Rhodes”) in the United States District Court for the District of Arizona. (Filing No. [1](#).) *See also Rhodes v. City of Phoenix*, 2:11-cv-01032-SRB (D. Ariz.). “A party or any person from whom discovery is sought may move for a protective order in the court where the action is pending—or as an alternative on matters relating to a deposition, in the court for the district where the deposition will be taken.” [Fed. R. Civ. P. 26\(c\)\(1\)](#).

Although Rule 26 permits Rhodes to move for a protective order in this court, he simultaneously filed his complaint in this matter and a motion for protective order in the court where the action is pending. (Filing No. [1](#).) *See also* Motion for Protective Order, Motion to Quash Telephonic Deposition Notices, *Rhodes v. City of Phoenix*, 2:11-cv-01032-SRB (D. Ariz. Jan. 8, 2013), ECF No. 118. On January 14, 2013, the United States District Court for the District of Arizona denied the motion for protective order. *See Rhodes v. City of Phoenix*, 2:11-cv-01032-SRB (D. Ariz. Jan. 8, 2013), ECF No. 122. Because the forum court has already ruled on Rhodes’ simultaneously filed motion for protective order, I will defer to that ruling and

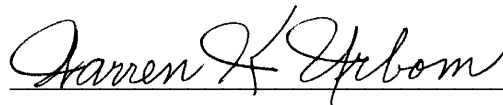
dismiss Rhodes' motion for protective order and to quash telephonic deposition notices of defendant(s) City of Phoenix.<sup>1</sup>

IT IS THEREFORE ORDERED that:

1. Plaintiff's Motion for Protective Order and to Quash Telephonic Deposition Notices of Defendant(s) City of Phoenix et al (filing no. 1) is dismissed as moot.
2. A separate judgment will be entered in accordance with this memorandum and order.
3. All pending motions are denied.
4. The clerk of the court shall send a copy of this memorandum and order to the United States District Court for the District of Arizona.

Dated February 19, 2013.

BY THE COURT

A handwritten signature in cursive script, reading "Warren K. Urbom", is written over a horizontal line.

Warren K. Urbom  
United States Senior District Judge

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<sup>11</sup>The Advisory Committee's Note to [Rule 26\(c\)](#) (Protective Orders) explains that "[t]he court in the district where the deposition is being taken may, and frequently will, remit the deponent or party to the court where the action is pending."

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